

ESTTA Tracking number: **ESTTA651752**

Filing date: **01/22/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	RED Interactive Agency, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	3420 Ocean Park Blvd Suite 2000 Santa Monica, CA 90405 UNITED STATES		

Attorney information	Marc E. Hankin Hankin Patent Law, APC 12400 Wilshire Blvd., Suite 1265 Los Angeles, CA 90025 UNITED STATES marc@hankinpatentlaw.com, kevin@hankinpatentlaw.com, courtfil- ing@hankinpatentlaw.com Phone:3108921613
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Registration Subject to Cancellation

Registration No	3865783	Registration date	10/19/2010
Registrant	STONE CREEK ENTERTAINMENT INC. 21 OLD REDDING ROAD RIDGEFIELD, CT 06877 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2010/04/05 First Use In Commerce: 2010/04/05
All goods and services in the class are cancelled, namely: Downloadable video game software for mobile devices and personal computers

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	RED Interactive - Cancelation of HER PET PEEVES Trademark.pdf(92684 bytes) Exhibit 1 - HER PET PEEVS - TESS.pdf(714085 bytes) Exhibit 2 - PET PEEVES.pdf(715879 bytes) Exhibit 3 - Her Pet Peeves - Screen Captures and Notes.pdf(3955581 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Marc E. Hankin/
Name	Marc E. Hankin
Date	01/22/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

)	
)	
RED INTERACTIVE AGENCY, LLC,)	
)	
Petitioner,)	Cancellation No.:
)	Registration No.: 3,865,783
v.)	Mark: HER PET PEEVES
)	
STONE CREEK ENTERTAINMENT INC.,)	
)	
Respondent.)	
_____)	

Trademark Trial and Appeal Board
Commissioner for Trademark
P.O. Box 1451
Alexandria, Virginia 22313-1451

PETITION FOR CANCELLATION

RED Interactive Agency, LLC, a Delaware limited liability company, 3420 Ocean Park Blvd, Suite 2000, Santa Monica, California 90405 (“RED Interactive” or “Petitioner”).

To the best of Petitioner’s knowledge, Stone Creek Entertainment Inc. a Delaware corporation, 21 Old Redding Road Ridgefield, Connecticut 06877 (“Stone Creek” or “Registrant”) is the name and address of the current owner of the U.S. Registered Trademark No. 3,865,783, for HER PET PEEVES (the “Registration”) (*see* Exhibit 1), which is the subject of this Cancellation.

Petitioner believes that it is being damaged by the Registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Stone Creek is no longer using the Registration in commerce and has not done so since at least as early as May 2011.
2. By virtue of not using the Registration for over three years, Stone Creek has constructively abandoned the Mark.
3. Stone Creek has expressly abandoned the Registration.

4. Petitioner believes that Stone Creek has no intention of resuming use of the Registration or filing the upcoming Section 8 & 15 Renewal.
5. May 29, 2011 is the last time the HER PET PEEVES App is seen in the iTunes App store.
6. The date that the Mark is last seen on any website was April 15, 2012, on www.Karizmac.com.
7. In an interview from 2011, the founder of Stone Creek refers to the HER PET PEEVES App as a “prior title”.
8. The goods provided in connection with the Registration are not available in commerce as of the filing of this Petition for Cancellation. Petitioner has conducted an extensive search for use of the Registration, but has found only evidence of non-use.
9. The Registration is no longer in use in commerce and has not been in use for over three years.
10. Petitioner is being damaged because Petitioner has filed U.S. Trademark Application No. 86/067,381, for PET PEEVES, which has been rejected in view of the Registration (*see* Exhibit 2),.
11. Exhibit 3 is a true and correct copy of screen captures showing that Stone Creek has Abandoned the Registration.

WHEREFORE, Petitioner respectfully requests that the Registration be cancelled, together with whatever other relief the Board may deem appropriate.

Dated: January 22, 2015

Respectfully submitted,

/Marc E. Hankin/

Marc E. Hankin
USPTO Reg. No. 38,908
Hankin Patent Law, APC
12400 Wilshire Blvd., Suite 1265
Los Angeles, CA 90025
Marc@HankinPatentLaw.com
Office Tel.: (310) 979-3600
Cell Phone: (310) 892-1613

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 12400 Wilshire Blvd., Suite 1265, Los Angeles, CA 90025.

I certify that on January 22, 2015, I caused to be served a copy of the foregoing **PETITION FOR CANCELLATION** on Counsel for Registrant by placing a true and correct hard copy thereof enclosed in a sealed envelope, First Class U.S. Mail, postage prepaid, addressed as follows:

Eric Bergner
MOSES & SINGER LLP
405 Lexington Ave FL 12
New York, New York 10174-1299
United States
ebergner@mosessinger.com

XX (BY MAIL) The envelope was mailed with postage thereon fully prepaid U.S. Mail. I am “readily” familiar with the firm’s practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.

____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the office of the addressee listed above.

____ Via E-Mail to the e-mail address of the addressee listed above.

____ Via Facsimile to the fax number of the addressee listed above.

Date: January 22, 2015



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HER PET PEEVES

Word Mark	HER PET PEEVES
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Downloadable video game software for mobile devices and personal computers. FIRST USE: 20100405. FIRST USE IN COMMERCE: 20100405
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77891105
Filing Date	December 11, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 4, 2010
Registration Number	3865783
Registration Date	October 19, 2010
Owner	(REGISTRANT) Stone Creek Entertainment LLC LIMITED LIABILITY COMPANY DELAWARE 21 Old Redding Road Ridgefield CONNECTICUT 06877 (LAST LISTED OWNER) STONE CREEK ENTERTAINMENT INC. CORPORATION DELAWARE 21 OLD REDDING ROAD RIDGEFIELD CONNECTICUT 06877
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	Eric Bergner

Record**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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(Use the "Back" button of the Internet Browser to return to TESS)

PET PEAVES

Word Mark	PET PEAVES
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer game programmes downloadable via the Internet; Computer game software for use on mobile and cellular phones; Downloadable computer game software via a global computer network and wireless devices; downloadable electronic game software for use on cellular devices, namely smart phones and tablet computers; downloadable computer game programs via the internet and wireless devices; Electronic game software; Electronic game software for cellular telephones; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Interactive game programs; Interactive game software; Interactive video game programs; Video and computer game programs; Video game software. FIRST USE: 20130302. FIRST USE IN COMMERCE: 20130912
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86067381
Filing Date	September 17, 2013
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) RED Interactive Agency, LLC LIMITED LIABILITY COMPANY DELAWARE 3420 Ocean Park Blvd, Suite 2000 Santa Monica CALIFORNIA 90405

**Attorney
of Record** Marc E. Hankin

**Type of
Mark** TRADEMARK

Register PRINCIPAL


**Live/Dead
Indicator** LIVE

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


PAGE INFO	
Company Overview	The Stone Creek Entertainment™ Karizmac® brand is a suite of online, mobile and social games. We appeal to gamers who are lo... See More
Mission	To build on their social need to share To understand the technologies they use every day and depend on To reinforce the value they place on emotional intelligence And to know how to make it fun
Products	Karizmac Luminous™ Karizmac Her Pet Peeves™ Karizmac Women Lead the World™
Website	www.karizmac.com

Next, we conducted a Facebook search indexed to Her Pet Peeves, and found the following profile at <https://www.facebook.com/HerPetPeeves>. None of the links lead to a page involving our subject.



Her Pet Peeves

Community



Timeline

About

HPP Vote Up

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PEOPLE


>


418 likes


Invite your friends to like this Page

ABOUT


>

 Karizmac Her Pet Peeves™ is a lifestyle game for iPhone, iPod Touch and iPad that allows players to take out their frustrations in a fun way!


 <http://www.stonecreekentertainment.com/herpetp...>




APPS

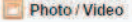


HPP Vote Up





Poll

 Post


 Photo / Video

Write something...




 Her Pet Peeves shared a link.
July 20, 2011

See what YOUR decisions say about you as you play Karizmac Luminous!



Your choice implies
Focus
Lady Godiva
Pinks like you

Karizmac Luminous (tm) Free for iPhone, iPod touch, and iPad on the iTunes App Store



Her Pet Peeves

Community

Like
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HPP Vote Up
Likes
More

About Her Pet Peeves

Page Info

PAGE INFO

Short Description

Karizmac Her Pet Peeves™ is a lifestyle game for iPhone, iPod Touch and iPad that allows players to take out their frustrations in a fun way!

Long Description

Her Pet Peeves™ lets girls pop bubbles that have the things that annoy and frustrate them. The goal is to burst what's bugging you, before time runs out. Cartoon-style animals represent the stereotypical individuals and the things they do and say, that annoy girls. Know a guy who thinks he's all that? Or do you have a friend who can't seem to keep a secret? Now you can burst their bubble! Pop too much homework, your gossiping "friend" and much more! Take out your everyday frustrations in Her Pet Peeves™. As girls play the game, they progress through multiple animal challenges. In order to make it to the next animal challenge, the player must complete all six difficulty levels. Players will have the option to go back and re-visit previous stages as many times as they like either for fun, or to beat their previous scores.

Website

<http://www.stonecreekentertainment.com/herpetpeeves.html>
<http://www.karizmac.com/>

In conducting a domain registration search indexed to Karizmac.com, we found the following information. The current registrant is shown first. Sharon Wood / Stone Creek Entertainment, was the registrant of the domain from 09/01/2007 to 12/15/2012

```
Domain Name: karizmac.com
Created On: 2013-02-27
Expiration Date: 2015-02-27
Registered via: Internetbolaget AB

Whois information protected.
Contact the registrant via http://www.shieldwhois.com

Registrant Name: Protected Protected
Registrant Organization: Shield Whois
Registrant Street: Radiovägen 2
Registrant City: Västra Frölunda
Registrant Postal Code: 42147
Registrant Country: SE
Registrant Phone: +46.855916070
Registrant FAX:
Registrant Email: karizmac.com@shieldwhois.com
```

```
Registrant:
Stone Creek Entertainment LLC
21 Old Redding Road
Ridgefield, CT 06877
US

Domain name: KARIZMAC.COM

Administrative Contact:
Wood, Sharon wood@stonecreekproductions.com
21 Old Redding Road
Ridgefield, CT 06877
US
203-894-1269 Fax: 203-431-6121

Technical Contact:
Wood, Sharon wood@stonecreekproductions.com
21 Old Redding Road
Ridgefield, CT 06877
US
203-894-1269 Fax: 203-431-6121

Registration Service Provider:
Register4less, support@r4l.com
514-905-6500
http://register4less.com

Registrar of Record: TUCOWS, INC.
Record last updated on 11-Nov-2006.
Record expires on 11-Dec-2007.
Record created on 11-Dec-2003.

Domain servers in listed order:
NS2.BRINKSTER.COM
NS1.BRINKSTER.COM

Domain status: clientTransferProhibited
clientUpdateProhibited
```

In conducting a domain registration search indexed to stonecreekentertainment.com, we found the following information. The current registrant information is privatized. Stone Creek Entertainment was the registrant from 08/13/2007 from 03/25/2013.

Domain Name: stonecreekentertainment.com
Registry Domain ID: 1823034583_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.discount-domain.com
Registrar URL: http://www.onamae.com
Updated Date: 2014-08-20 09:56:25
Creation Date: 2013-08-22 18:12:00.0
Registrar Registration Expiration Date: 2015-08-22 18:12:00.0
Registrar: GMO INTERNET, INC.
Registrar IANA ID: 49
Registrar Abuse Contact Email: abuse@gmo.jp
Registrar Abuse Contact Phone: -(Please send an email)
Domain Status: ACTIVE
Registry Registrant ID:
Registrant Name: Whois Privacy Protection Service by VALUE-DOMAIN
Registrant Organization: Whois Privacy Protection Service by VALUE-DOMAIN
Registrant Street1: Chuo-ku Minamisenba 3-1-8
Registrant Street2: MinamiSenba Dream bldg.
Registrant City: Osaka
Registrant State/Province: Osaka
Registrant Postal Code: 542-0081
Registrant Country: JP
Registrant Phone: +81.0662416585
Registrant Phone Ext:
Registrant Fax: +81.0662416586
Registrant Fax Ext:
Registrant Email: whoisproxy@value-domain.com

Registrant:
Stone Creek Entertainment LLC
21 Old Redding Road
Ridgefield, CT 06877
US

Domain name: STONECREEKENTERTAINMENT.COM

Administrative Contact:
Wood, Sharon wood@stonecreekproductions.com
21 Old Redding Road
Ridgefield, CT 06877
US
203-894-1269 Fax: 203-431-6121

Technical Contact:
Wood, Sharon wood@stonecreekproductions.com
21 Old Redding Road
Ridgefield, CT 06877
US
203-894-1269 Fax: 203-431-6121

Registration Service Provider:
Register4less, support@r4l.com
514-905-6500
http://register4less.com

Registrar of Record: TUCOWS, INC.
Record last updated on 11-May-2007.
Record expires on 05-Jun-2009.
Record created on 05-Jun-2003.

Domain servers in listed order:
NS1.DNS4LESS.COM
NS2.DNS4LESS.COM

Domain status: clientTransferProhibited
clientUpdateProhibited

Further internet searching indexed to Her Pet Peeves revealed a review at <http://www.gamingangels.com/2010/05/review-her-pet-peeves-by-seventeen>. The review displays as follows:

04
May

Review: Her Pet Peeves by Seventeen

Her Pet Peeves by Seventeen is available from the iTunes Application Store for \$1.99.



Rating: 4+
Number of Players: One
Seller: Stone Creek Entertainment
Release Date: April 5, 2010

PASS

Her Pet Peeves by Seventeen is one of those games that has come along with a fun concept, but that I don't know that I can recommend to others to play. The idea is to pop as many bubbles and pet peeves as you can while avoiding positive aspects of teenage life. This bubble popping app is targeted toward teenage girls and herein lays the dilemma.

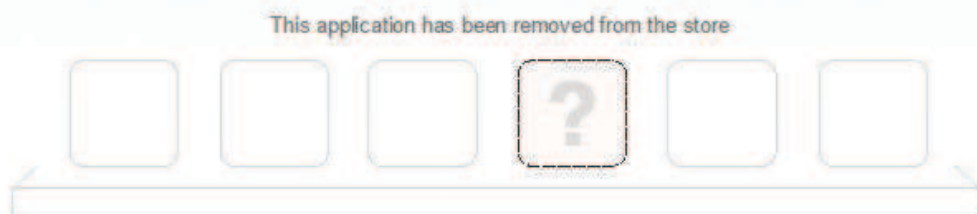
In the first level, players are asked to pop pet peeves bubbles – "Jerks" or "Bad Dates" and avoid "Loving Hearts." The "Bad Dates" are represented as a female and a male image. Not only am I a gamer and a reviewer, but also a mother of a daughter. I'm just not sure I would want my daughter playing a game that gave her the message that dating and looking for love is the only normal thing about teenage life and this is one of the messages I saw. That first level is what really struck me and made me feel awkward about recommending this game. However, I don't know if it's really a dealbreaker for other parents or young women.

Aside from the issue I had with this first level, I found the rest of game fun. The controls were simple and really worked well with the iPhone touch screen. Players touch the bubbles to pop them. Play was challenging and the game had a good tutorial. There are a total of nine levels and a "My Peeve" level that lets players import their own pet peeve. Her Pet Peeve does have some replay value. As players complete levels, they also unlock free play. The sound was what I would expect from a bubble popping game- bubbles popping



In conducting a comprehensive internet search indexed to Her Pet Peeves App, we found an app downloading site at <http://www.appannie.com/apps/ios/app>. The page displays as follows:
Her Pet Peeves [App]

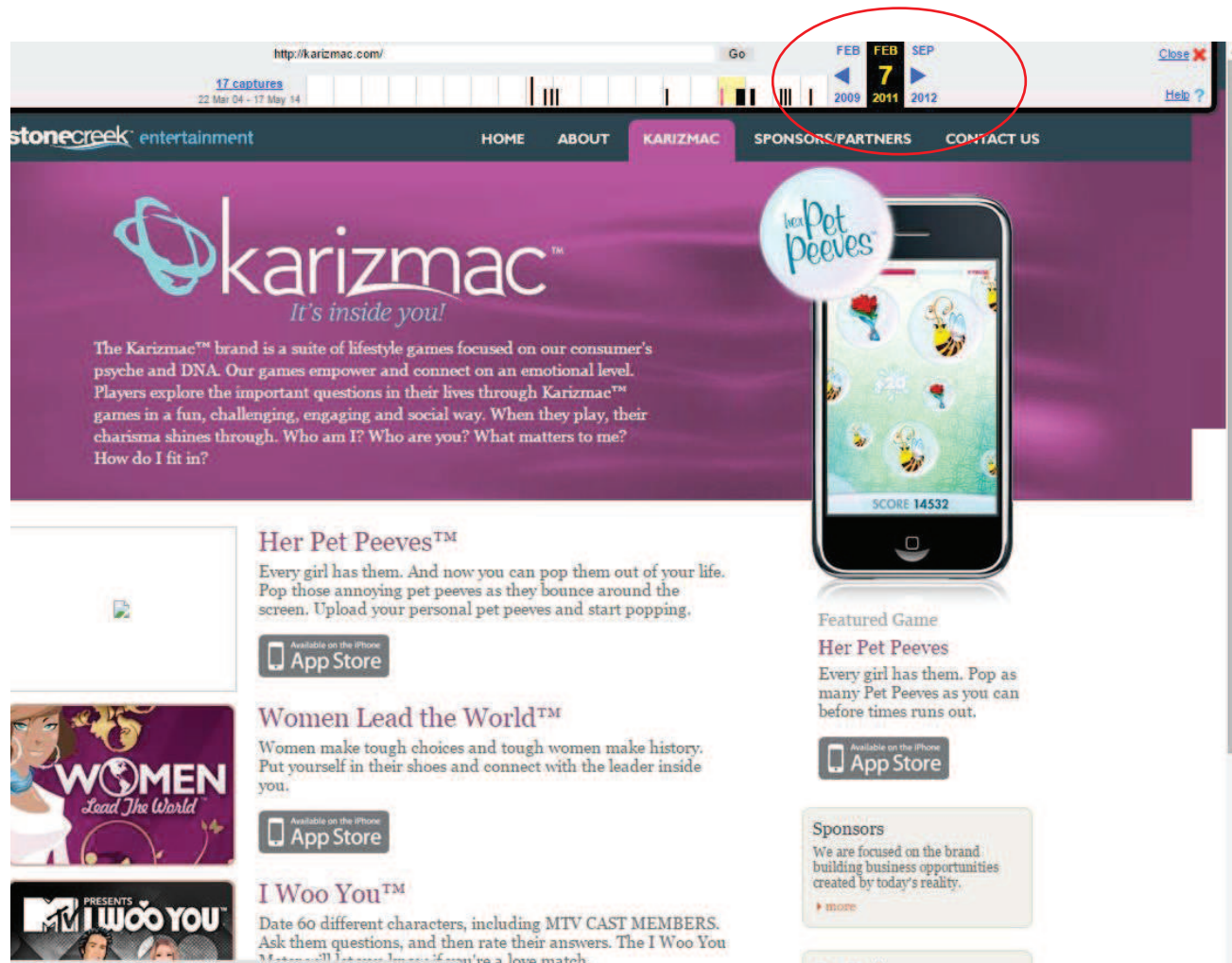
Store	Price	Compatibility	Publisher	Unified App	App Franchise	Status
iOS Store	Free	iPhone, iPod touch	Stone Creek Entertainment LLC	N/A	N/A	Removed from Store



Additionally, we searched the iTunes App Store, and found no results for Her Pet Peeves.

Next, we conducted a domain history search indexed to www.Karizmac.com. The first time that Her Pet Peeves is mentioned on their website is 02/07/2011. An archived link to the iTunes App


store shows the following. May 29, 2011 is the last time the the app is seen in the iTunes App store. The date that Her Pet Peeves is last seen on www.Karizmac.com is 04/15/2012.



<http://itunes.apple.com/us/app/her-pet-peeves/id369379878?mt=8>
Go

2 captures
29 May 11 - 22 Aug 11

APR MAY AUG
2010 29 2011 2012



View In iTunes

Free

Category: Games

Updated: Jul 20, 2010

Current Version: 1.14

1.14

Size: 9.3 MB

Language: English

Seller: Stone Creek Entertainment, LLC

© Copyright 2009, 2010 Stone Creek Entertainment LLC. All rights reserved.

Karizmac is a trademark of Stone Creek Entertainment LLC.

Rated 4+

Requirements: Compatible with iPhone, iPod touch, and iPad. Requires iOS 3.0 or later

Customer Ratings

Current Version:

★★★★★ 9 Ratings

Her Pet Peeves By Stone Creek Entertainment LLC.

Open iTunes to buy and download apps.

[View More By This Developer](#)

Description

Pop what peeves you off in Her Pet Peeves™. Your goal is to burst what's bugging you, before time runs out. Cartoon-style animals represent the types of people who annoy you. Know a guy who thinks he's all that? Or do you have a friend who can't seem to keep a secret? Now you can burst their bubble! Pop too much homework, your gossiping "friend" and much more!

YOUR PERSONAL PEEVE: Have something that's bugging just you? You can even upload your own Custom Peeve into the game and then POP it!

You can go back and re-visit previous stages as many times as you like either for fun, or to beat your previous scores.

- Over ten peeves and more than 65 challenge levels
- Bonus "annoyance" items
- Power Peeves, need twice the popping for double points!
- My Peeve- Upload your own personal peeves into the game, choose from your camera roll or take a new photo!

You can have a new Peeve to pop every time you play! Pop and get the highest points for your My Peeves.

Don't forget to check out Women Lead the World, another Karizmac™ game. Compare your decisions with decisions from famous women. Discover how they lead the world! And see if you're a leader too!

[Stone Creek Entertainment LLC. Web Site](#) ▶ [Her Pet Peeves Support](#) ▶

What's New in Version 1.14

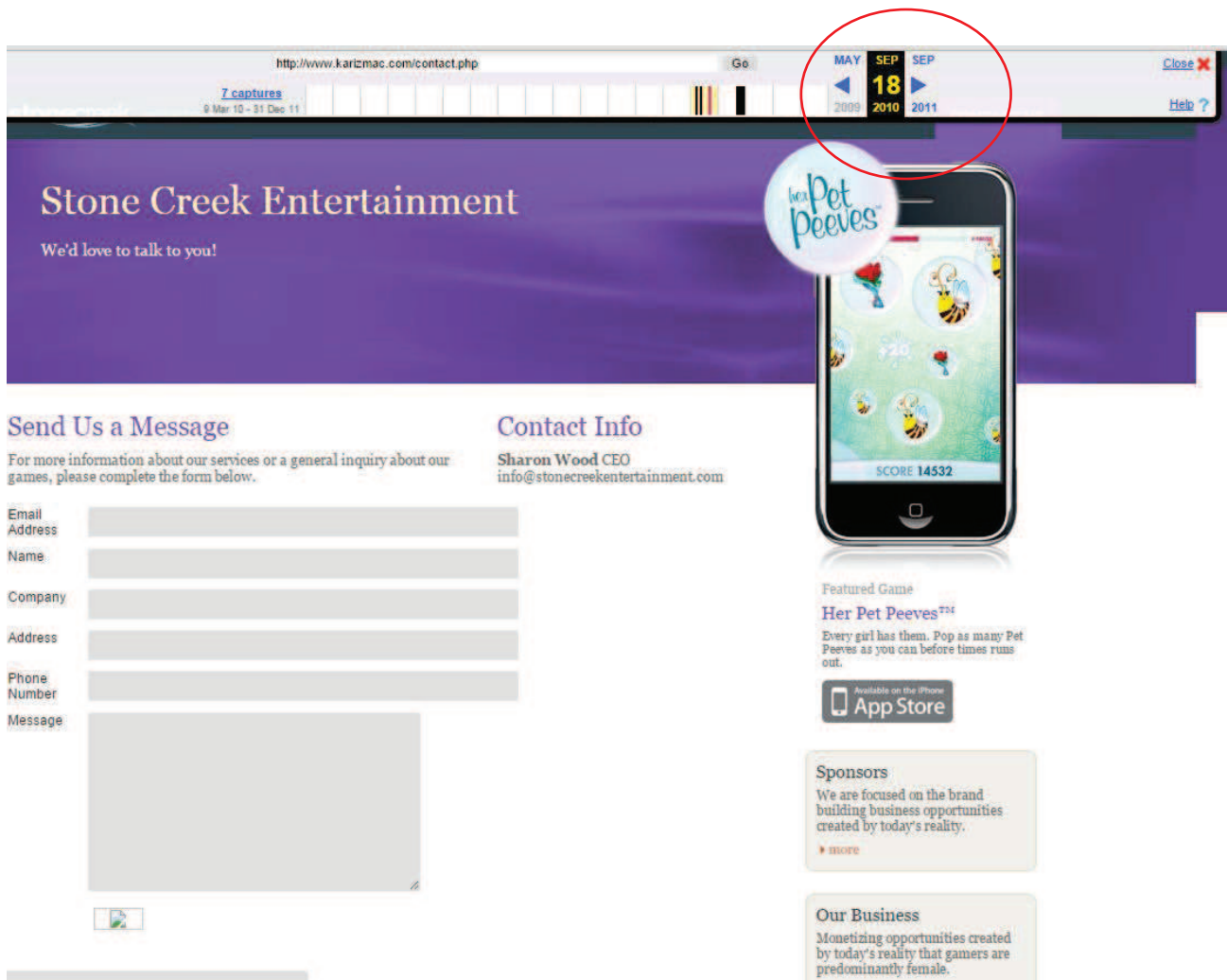
ALL NEW MY PEEVES AND ENDLESS MODE

MY PEEVES AND ENDLESS MODE: Have something that's bugging just you? Upload your own My Peeves into the game and then POP them!

Add up to 9 of your own My Peeves! AND choose from 14 different sound effects, including 3 NEW sound effects for each of your My Peeves.

Then play in the all-new exclusive My Peeves Endless level! Pop only your peeves.

Keep trying to best your score in the Achievements!



Her Pet Peeves By Stone Creek Entertainment LLC.

[View More By This Developer](#)

Open iTunes to buy and download apps.



[View In iTunes](#)

Free

Category: Games

Updated: Jul 20, 2010

Current Version: 1.14
1.14

Size: 9.3 MB

Language: English

Seller: Stone Creek

Entertainment, LLC

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Stone Creek Entertainment

LLC. All rights reserved.

Karizmac is a trademark of

Stone Creek Entertainment

LLC.

Rated 4+

Requirements: Compatible with
iPhone, iPod touch, and iPad.
Requires iOS 3.0 or later

Customer Ratings

Current Version:

Description

Pop what peeves you off in Her Pet Peeves™. Your goal is to burst what's bugging you, before time runs out. Cartoon-style animals represent the types of people who annoy you. Know a guy who thinks he's all that? Or do you have a friend who can't seem to keep a secret? Now you can burst their bubble! Pop too much homework, your gossiping "friend" and much more!

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- My Peeve- Upload your own personal peeves into the game, choose from your camera roll or take a new photo! You can have a new Peeve to pop every time you play! Pop and get the highest points for your My Peeves.

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Compare your decisions with decisions from famous women. Discover how they lead the world! And see if you're a leader too!

[Stone Creek Entertainment LLC. Web Site](#) ▶ [Her Pet Peeves Support](#) ▶

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Add up to 9 of your own My Peeves! AND choose from 14 different sound effects, including 3 NEW sound effects for each of your My Peeves.

Then play in the all-new exclusive My Peeves Endless level! Pop only your peeves.

